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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,000	04/19/2004	Brian Lee Shumack	P-6251-04-04	9209

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EXAMINER

OLSON, MARGARET LINNEA

ART UNIT	PAPER NUMBER
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3782

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,000

Applicant(s)

SHUMACK ET AL.

Examiner

Margaret L. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 63 and 61. Reference character 62 is identified as a pivot pin on page 5, line 17, though a surface is labeled 62 and what appears to be a pin assembly is labeled 63 in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: on page 5 in the second paragraph of the specification, figure 8 is described as showing a detail of mounting tube 46, though mounting tube 46 is not labeled in figure 8. It is shown in Figure 3.

Appropriate correction is required.

4. The use of the trademarks "Jeep" for an all-purpose utility vehicle and "Reese" to describe a hitch has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

5. The disclosure is objected to because of the following informalities: in the Background of the Invention, the sentence beginning in line 7 appears to be missing a word in the phrase "Such off-site is also a problem".

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: On page 4, in the Detailed Description, a space is missing in the phrase "mounting tube 46for pivotal" 4 lines from the bottom of the page.

Appropriate correction is required.

7. The disclosure is objected to because of the following informalities: In the last line on page 6, pin 49 is described as used in pivot assembly 44, though figures 2 and 3 show it to be in the hitch assembly and a pin that is possibly referenced as 63 (see Drawings, paragraph 1 above) is in pivot assembly 44.

Appropriate correction is required.

Claim Objections

8. Claim 1 is objected to because of the following informalities: a) in line 5 on page 9, the phrase "engagement with a door latching mechanism on the side door wherein" is presumed to be missing words, b) on line 6 of page 9, "tail hitch" is assumed to be a typo for "trailer hitch", c) on line 19 of page 9, the phrase "at a front portions" should read "at a front portion", and d) in line 2 of page 10, the phrase "at a rear portions of" should read "at a rear portion of". Appropriate correction is required.

9. Claim 5 is objected to because of the following informalities: in line 1, "as recite in claim 4" should read "as recited in claim 4". Appropriate correction is required.

10. Claim 11 is objected to because of the following informalities: in the last line, the phrase "lock pins operative engageable" is a typo. Appropriate correction is required.

11. Claim 12 is objected to because of the following informalities: in the third line, the phrase "a hitch mounted frame assemblies" should read "hitch mounted frame assembly". Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1, 2, 3, 4, 5, 6, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 contains the trademark/trade name "Jeep". Where a trademark or trade name is used in a claim as a

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limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe an all-purpose vehicle and, accordingly, the identification/description is indefinite.

14. Claims 1, 2, 3, 4, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "said receiver sleeve" in line 11 on page 9. There is insufficient antecedent basis for this limitation in the claim. Only a "longitudinally rearwardly opening receiver" is mentioned prior to this limitation.

15. Claims 7, 8, 9, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 5 and 6 the phrase "laterally spaced side vertically extending side frame assemblies" makes it unclear as to what side or side frame assemblies are being referred to.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. To the extent that it is understood, claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkens (US 6,889,881) in view of Jones (US 4,561,575).

Wilkens discloses a method for transporting removable doors for an all-purpose utility vehicle that includes providing a mounted frame assembly with means replicating door mountings for positioning posts 140, 142, and 144 of door panel 50 into holes 135 and 137 in the metal frame of the carrier (figure 3; figure 6; column 4, lines 26-34). The side door are removed from the vehicle and mounted in the door mounting means for transportation (column 1, lines 9-14). Wilkens does not disclose the frame assembly mounted on a hitch. The frame assembly is mounted on a spare tire and wheel rack attached to the vehicle (figure 2; column 1, lines 53-65). Jones teaches a spare wheel and tire rack mounted on the hitch 14 of a vehicle (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to mount the removable door carrier of Wilkens to the hitch-mounted tire carrier of Jones so that the entire assembly could be easily detached from the vehicle (Jones, column 1, lines 14-29).

Allowable Subject Matter

18. Claims 1-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilkens (US 6,889,881), Benton (US 3,268,131), and Sanderson (US 6,811,038) disclose similar inventions.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mlo


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER